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of the trial court has been reversed by an appellate court and the cause remanded for judicial determination. *North v. Nicholas*, 39 Conn. 355; *City of Chicago v. Wolf*, 86 Ill. App. 286; *City of Winona v. Minn. Ry. Con. Co.*, 29 Minn. 68, 11 N. W. 228; *Smith v. Savin*, 141 N. Y. 315, 36 N. E. 338; *Gilliam v. Brown*, 126 Cal. 160, 58 Pac. 466. But this is because the trial must necessarily be de novo. However, see the case of *Hatch v. Bank*, 72 N. Y. 487, in which, after satisfaction of the judgment in favor of the plaintiff, it was held to be within the discretion of the court to vacate it and amend the complaint by adding new causes of action. See also *Crookes v. Maxwell*, 6 Blatch. (U. S.) 468, Fed. Cas. No. 3415. But these are extreme cases. The plaintiff has also been allowed to amend his pleadings pending an appeal, in a case where judgment was rendered for the plaintiff and the defendant had appealed. *Reeside v. Hadden*, 12 Pa. (2 Jones) 243; *Higgins v. People*, 2 Colo. App. 567, 39 Pac. 951. *Contra*, *Winburn v. Fidelity Loan and Building Assn.*, 110 Ia. 374, 81 N. W. 682. For an exhaustive review of the cases relating to amendments at late stages of the proceedings, see 6 CURRENT LAW, 1039.

PUBLIC OFFICERS—OFFICER DE FACTO WHEN STATUTE CREATING OFFICE UNCONSTITUTIONAL.—Relator had been a police officer of the city of Bayonne, appointed by competent authority. Later a new police board was appointed under an act of the legislature, and this board removed relator from his office. The legislation creating this new board was afterwards held to be unconstitutional, and relator asks mandamus against the board which the new board superseded to compel his reinstatement. The defense was that the new board was a *de facto* body, and that its acts before the statute was declared unconstitutional were valid. *Held*, that the writ should not issue. *Lang v. Mayor, etc., of Bayonne* (1907), — N. J. L. —, 68 Atl. Rep. 90.

The question here involved has given rise to much conflict of opinion. In the leading case of *Norton v. Shelby County*, 118 U. S. 425, it was held that an office attempted to be created by an unconstitutional statute could not be regarded as a *de facto* office, and this case has been followed by several, some of which are cited in the principal case. See *Gorman v. People*, 17 Colo. 596, 31 Am. St. Rep. 350; *In re Norton*, 64 Kan. 842, 68 Pac. 639, 91 Am. St. Rep. 255; *Ex parte Snyder*, 64 Mo. 58; *Flaucher v. Camden*, 56 N. J. L. 244, 28 Atl. 82 (overruled by the principal case). The leading case to the contrary (though it is not mentioned in the principal case) is probably *State v. Gardner*, 54 Ohio St. 24, 31 L. R. A. 660. The opinion of SPEAR, J., in this case contains a full citation of the cases, and no one can read it without being convinced that the statements of *Norton v. Shelby County* require some qualification.

PUBLIC OFFICERS — REMOVAL — TEMPORARY SUSPENSION — LEGISLATIVE POWER.—The Texas Constitution (Art. 5, §§ 15 and 24) fixes the tenure of office for county judges at two years, and provides for their removal for cause in a definite manner. *Held*, that a statute providing for their temporary suspension in a different manner (Rev. St. 1895, Art. 3550), but incident to